

United States District Court
For The
4th
District of Maryland

UNITED STATES OF AMERICA

v.

Joseph Guadagnoli

CASE # 8:13-CR-0363001

JAN 25 2021
AT GREENBELT
CLERK U.S. DISTRICT COURT
BUREAU OF MARYLAND

DEPUTY

MOTION FOR SENTENCE REDUCTION
UNDER 18 USC § 3582(c)(1)(A)
COMPASSIONATE RELEASE, PRO SE PRISONER

Joseph Guadagnoli is a 49 year-old federal prisoner serving 180 month sentence related to a MARIJUANA Conspiracy in April of 2020 Mr Guadagnoli submitted to Warden NANETTE BARNES of Benettsville a request for a reduction which has since gone unanswered.

Joseph Guadagnoli has served 48% of his sentence as well as 27 months in additional time that was not credited to this sentence, but was however, directly related to the facts, evidence and circumstances for which this instant offence stems from, specifically a 2012 CALIFORNIA ARREST AND CONVICTION which relies on the same information and was part of the same federal investigation

The length of Mr Guadagnoli's sentence was primarily driven by an assumption that Mr. Guadagnoli was a career offender. At the time Mr. Guadagnoli disputed this finding, but the court stood by the findings of the PSR, which indicated that

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Mr GUADAGNOLI had A prior record in THE STATE OF Iowa in 1992 for "Delivery" of MARIJUANA AND A FAILURE TO PAY A TAX STAMP ASSOCIATED WITH MARIJUANA AS WELL AS A 2007 MARYLAND PRIOR FOR "CONSPIRACY" TO GROW MARIJUANA. IN LIGHT OF U.S. V. NORMAN 935 F.3d 232 (4TH CIR), U.S. V. WINSTED 890 F.3d (D.C.CIR) AND U.S. V. HAVIS 927 F.382 (6TH C.R) it is clear that THESE PRIORS WOULD NOT HAVE PLAYED THE SUBSTANTIAL ROLE THAT THEY DID IN DETERMINING THE UNUSUALLY HIGH SENTENCE REFLECTED IN THE SENTENCING GUIDELINES WHICH WERE PRESENTED IN COURT. THIS HIGH NUMBER WAS USED AS A STARTING POINT IN THE GOVERNMENT'S BID TO NEGOTIATE THE EVENTUAL 11^(C) PLEA OF 180 MONTHS.

IT SHOULD ALSO BE MADE CLEAR THAT MR GUADAGNOLI'S 924^(C) AROSE FROM THERE BEING FIREARMS ON THE PROPERTY HE OWNED IN THE CALIFORNIA WILDERNESS WHERE MR GUADAGNOLI ALLOWED THE POSSESSION OF THESE WEAPONS BY EMPLOYEES OF MR GUADAGNOLI AFTER WILLIAM H BECHLER WAS ATTACKED AND BITEN BY DOGS. MR GUADAGNOLI'S PSR EVEN INDICATES THAT WHILE MR GUADAGNOLI WAS IN BALTIMORE AND OTHER POPULATED LOCATIONS, FIREARMS WERE NOT FOUND OR EVEN CLAIMED TO BE USED. MR GUADAGNOLI IS ADAMENT THAT THE FIREARMS EXISTED ONLY FOR THE USE AND PROTECTION OF PEOPLE AGAINST THE WILDS OF NORTHERN CALIFORNIA WHICH HOST WILD DOGS, BEARS, MT. LIONS, WILD PIGS AND COUNTLESS OTHER FERAL ANIMALS.

AND AT THE TIME OF HIS COURT APPEARANCE HAVE HINDERED HIS ABILITY TO PROPERLY EXPRESS/DEFEND HIMSELF.

WITHOUT TRYING TO RE-LITIGATE EVERY FACET, IT IS SAFE TO SAY THAT THE ENVIRONMENT AS IT CONCERN'S CAREER OFFENDERS, 924(c)'S, CONSPIRACIES AND THE APPLICATION OF PREDICATES IS CHANGING AND WOULD NOT EXPOSE MR. GUADAGNOLI TO THE SAME SENTENCING GUIDELINES AND HAZARDS THAT MR GUADAGNOLI FACED IN 2015 WHEN HE WAS SENTENCED.

MR GUADAGNOLI'S TIME SINCE HE WAS SENTENCED HAS BEEN SPENT TRYING TO IMPROVE HIMSELF. HE HAS COMPLETED THE NORTHEAST TECHNICAL COLLEGE DEGREE FOR WELDING AS WELL AS 10 "ACE" COURSES DESIGNED BY THE BOP TO IMPROVE INMATE SKILLS. MR GUADAGNOLI HAS ALSO WORKED AS AN INMATE TUTOR HELPING OTHERS REACH GOALS IN THE AREAS OF G.E.D. TESTING AND ENGLISH AS A SECOND LANGUAGE.

IN THE TIME THAT HE HAS BEEN INCARCERATED MR. GUADAGNOLI HAS RECEIVED ONLY 1 MAJOR INFRACTION NOTICE, THIS WAS FOR THE USE/POSSESSION OF A CELL PHONE BACK IN MARCH OF 2016. MR GUADAGNOLI WAS DESPERATELY TRYING TO LOCATE HIS 2 CHILDREN SOPHIA (NOW 18) AND JOSEPH (NOW 16) AND REESTABLISH CONTACT. UNFORTUNATELY

WHEN MR GUADAGNOLI WAS ARRESTED HIS EX-WIFE MELISSA MADE THE CHOICE TO FOREGO ASSISTING MR GUADAGNOLI'S RELATIONSHIP WITH HIS CHILDREN, HER MOTIVES WERE UNDERSTANDABLE, SHE WANTED NO PART OF THE PRISON SYSTEM FOR HER CHILDREN OR HERSELF. MR GUADAGNOLI

WAS TOLD TO RESUME CONTACT WITH HIS CHILDREN
 When he could do so on his own ACCORD.
 Mr Guadagnoli is DESPERATE TO PROVE TO HIS CHILDREN
 THAT HE LOVES THEM AND WILL WORK TO BE A PART OF
 THEIR DAILY LIVES

Mr Guadagnoli's Health is TENTATIVE AT BEST
 AND RELIES ON A COMBINATION OF EXERCISE, PROPER FOOD
 AND SOUND MEDICAL ADVISE ALONG WITH PROPER MEDICATION.
 SINCE THE ADVENT OF COVID-19 THE BENNETTSVILLE FACILITY
 HAS KEPT IT'S POPULATION ON "LOCK DOWN". AFFORDING NO
 RECREATION UNTIL JUST RECENTLY WHERE WE ARE ALLOWED
 2X'S A WEEK OUTSIDE, WEATHER PERMITTING FOR AN HOUR
 EACH TIME. THE MEALS OFFERED ARE MOSTLY CARBS
 THIS HAS HAD THE EFFECT OF ADDING 45 LBS TO
 MR GUADAGNOLI, RAISING HIS BMI INDEX TO 37. THE
 FOLLOWING IS A LIST OF MR GUADAGNOLI'SAILMENTS AND
 THE MEDICATION PRESCRIBED

ASTHMA —
 — Fluticasone (Flonase)
 — Albuterol Sulfate inhaler

HYPOTHYROIDISM — Levothyroxine

HYPERTENSION
 AND EDEMA — Hydrochlorothiazide

HIGH LIPID (CHOLESTEROL) — Atorvastatin

VITAMIN DEFICIENCY — Vitamin D

PSORIASIS — COAL TAR medicine

HEART DISEASE — Aspirin 81

AS STATED before These Conditions Are Somewhat
MANAGABLE when PROPER CARE AND ATTENTION IS TAKEN IN
Concert with Exercise AND good food. UNFORUNATELY this
has NOT happened. Since MARCH OF 2020 THE MEDICAL
STAFF HAS STOPPED RECEIVING SICK CALL REQUESTS OR
Any REQUEST TO BE SEEN, by ANYONE.

MR GUADAGNOLI'S PLEAS TO BE SEEN WERE UNHEEDED
and MR GUADAGNOLI'S HEALTH AND GENERAL CONDITION HAS
SUFFERED. AFTER BEING NEGLECTED FOR SO LONG
MR GUADAGNOLI WAS ADMITTED (12-9-20) ON AN
EMERGENCY BASIS TO BE TREATED FOR AN ALLERGIC
COMPLICATION WHICH CAUSED HIS FACE TO SWELL AND
INJURED HIS EYE. MR GUADAGNOLI WAS TREATED WITH
BENADRYL AND PREDNISONE TO REDUCE SWELLING, HOWEVER
THE LEFT EYE IS STILL DISABLED IT IS UNKNOWN IF
FULL USE WILL RETURN. MR GUADAGNOLI ALSO DEALS WITH
NIGHTTIME SLEEP APNEA. AWAKENING AT NIGHT WITH
BLUE FINGERS, BLUE LIPS GASPING AND CHOKING FOR
AIR DUE TO LACK OF OXYGEN. THIS MALADY IS COMMON
IN OVERWEIGHT INDIVIDUALS AND MR GUADAGNOLI HAS BEEN
DIAGNOSED WITH THIS IN THE PAST. THE SITUATION
CORRECTED ITSELF WHEN MR GUADAGNOLI LOST THE EXCESSIVE
WEIGHT HE ONCE CARRIED, BUT THIS RELAPSE IS DIFFICULT
TO CONTROL, AS THERE IS NO WAY FOR MR GUADAGNOLI
TO EXERCISE MORE OR EAT BETTER. THE MEDICAL STAFF
HERE ARE NOT EQUIP TO TREAT SLEEP APNEA AS THESE
ARE NO CPAP MACHINES AVAILABLE FOR MR GUADAGNOLI TO
BE PROPERLY TREATED/DIAGNOSED HE WOULD NEED TO BE SEEN
BY SPECIALISTS

Mr Guadagnoli goes there for lack of basic's such AS Exercise, Proper food AND Basic medical ATTENTION his conditions Are Compiling And snowballing into much larger, more serious conditions That MAY have been Avoised otherwise. Mr Guadagnoli APPRECIATES AND UNDERSTANDS THE STRAIN THAT COVIS HAS PLACED ON MEDICAL STAFF. he CANNOT however fathom why it would TAKE 8 MONTHS TO BE SEEN BY STAFF AND Then only AFTER AN EMERGENCY WHICH MAY HAVE COST HIM THE USE OF HIS LEFT EYE- IT'S SAID THAT "AN OUNCE OF PREVENTION IS WORTH A POUND OF CURE". UNFORTUNATELY AT BENNETSVILLE WE ARE ONLY SEEN ON AN EMERGENCY BASIS

The BOP in it's efforts to control the spread of COVID-19 has suspended most moves and transfers. This is adversely effecting Mr Guadagnoli's progression through the system. Mr Guadagnoli's point score that reflects his custody status AND his violence pattern score are adjudged "LOW" by the BOP STANDARDS. However Mr Guadagnoli remains in a "Medium" facility because there are NO TRANSFERS he is told. This has many effects, but primarily this lack of transfer keeps Mr. Guadagnoli from earning good time credits that would accompany a lower status as well as hampers educational opportunities and keeps Mr. Guadagnoli based outside of his home region and limits visits by family + friends. It is frustrating for Mr Guadagnoli to be denied benefits he is earning through good behavior and educational programming. If it were not for COVID-19, Mr Guadagnoli would be assigned to a "LOW" Facility.

18 USC 3553(a) Allows For A "Penitentiary Sufficient but Not greater than Necessary" Mr Guadagnoli asserts that the institutions inability to care for his medical needs, along with the inability of the entire system to function properly has created an environment that excessively deprives him and is essentially a completely different and more severe system than that which he was sentenced to.

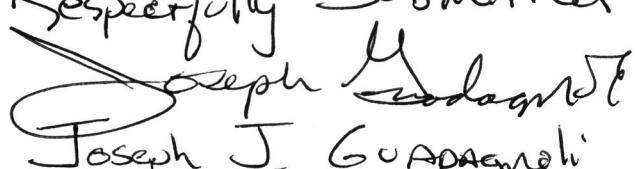
Mr Guadagnoli is fortunate enough to have on his side a support group or network of friends and family that are willing to help him overcome any obstacle he may find himself up against in the event that he should be released. For starters he will be employed almost immediately as a chef at the MARYLAND MASONIC Home in Cockeysville Maryland, a retirement community whose kitchen is run by the esteemed chef Tracey Taylor, who has known MR Guadagnoli for some 20 years now and attended school with Mr Guadagnoli.

MR Guadagnoli also has in his corner Mr Joseph Toher. A brilliant man who's letter of recommendation can be found affixed to this motion. Mr Toher and Mr Guadagnoli have been friends for some time now and share in common the loss of Mr Toher's son PATRICK. PATRICK was a great friend and struggled with opioid addiction. Mr Guadagnoli and Patrick's father worked hard to separate PATRICK from his addictions, but were at long last unsuccessful. Mr Guadagnoli has always been

Clear on his Dislike of "Hard Drugs", and
Without trying to minimize his Legal Errors would
Like to Share his hopes that This Country is Moving
TOWARDS Treatment and education of Substance
abuse and away from Long prison Terms.

In the process of Assembling this Document I was
struck by the ATTENTION PAID TO THE MEANINGS OF SINGULAR
WORDS such as "Shall" "may" or "will". When I read the
TEXT OF 18 USC 3553 "TO PROMOTE RESPECT FOR THE LAW" I
HAD TO ASK myself About the use of the word "RESPECT".
One CAN Respect High Voltage, Extreme Heights AND Explosives
For their Raw, Awesome power. ONE CAN ALSO Respect an
ELDER for Their Wisdom, Concern and CARE. There is
NO DOUBT that Mr Guadagnoli has felt the GOVERNMENT'S
POWER, HAS SEEN FIRST HAND its ABILITY TO impose its
WILL AND TO DO WITH Mr Guadagnoli AS IT PLEASES. IN
THIS SENSE THERE IS MUCH RESPECT.

Mr Guadagnoli is Right now in his cell, hoping
that his future, his Dreams and his Health will
remain intact long enough for him to fulfill
his promise to his Children, family and friends
and one day restore his position Amongst Them.
To be Respected AS Powerful is one thing, To be
Respected AS COMPASSIONATE is AN entirely different
realm.

Respectfully Submitted 12/15/20

Joseph J. Guadagnoli